

08/06/08

**S-1**

KHM

Sponsor: Larry Gossett

Proposed No.: 2008-0124

**1 STRIKING AMENDMENT TO PROPOSED ORDINANCE 2008-0124, VERSION**

**2 1**

3 On page 1, beginning on line 15, strike everything through page 33, line 677, and insert:

4 “SECTION 1. Findings: For the purposes of effective land use planning and  
5 regulation, the King County council makes the following legislative findings:

6 A. King County has adopted the 2004 King County Comprehensive Plan to meet  
7 the requirements of the Washington State Growth Management Act ("GMA");

8 B. The King County Code authorizes a review of the Comprehensive Plan and  
9 allows substantive amendments to the Comprehensive Plan once every four years and the  
10 King County Comprehensive Plan 2008 amendments represent the third major review of  
11 the Comprehensive Plan since 1994;

12 C. The GMA requires that the Comprehensive Plan and development regulations  
13 be subject to continuing review and evaluation by the county;

14 D. The GMA requires that King County adopt development regulations to be  
15 consistent with and implement the Comprehensive Plan; and

16 E. The changes to zoning contained in this ordinance are needed to maintain  
17 conformity with the King County Comprehensive Plan, as required by the GMA. As

such, they bear a substantial relationship to, and are necessary for, the public health, safety and general welfare of King County and its residents.

SECTION 2. Ordinance 263, Article 2, Section 1, as amended, and K.C.C. 20.12.010, are each hereby amended to read as follows:

A. Under the King County Charter, the state Constitution and the Washington state Growth Management Act, chapter 36.70A RCW, the 1994 King County Comprehensive Plan is adopted and declared to be the Comprehensive Plan for King County until amended, repealed or superseded. King County performed its first comprehensive four-cycle review of the Comprehensive Plan. As a result of the review, King County amended the 1994 Comprehensive Plan through passage of the King County Comprehensive Plan 2000. King County performed its second comprehensive four-cycle review of the Comprehensive Plan in 2004. As a result of the review, King County amended the 2000 Comprehensive Plan through passage of the King County Comprehensive Plan 2004. The Comprehensive Plan shall be the principal planning document for the orderly physical development of the county and shall be used to guide subarea plans, functional plans, provision of public facilities and services, review of proposed incorporations and annexations, development regulations and land development decisions.

B. The amendments to the 1994 King County Comprehensive Plan contained in Appendix A to Ordinance 12061 (King County Comprehensive Plan 1995 amendments) are hereby adopted.

C. The amendments to the 1994 King County Comprehensive Plan contained in Attachment A to Ordinance 12170 are hereby adopted to comply with the Central Puget

41 Sound Growth Management Hearings Board Decision and Order in Vashon-Maury  
42 Island, et. al. v. King County, Case No. 95-3-0008.

43 D. The Vashon Town Plan contained in Attachment 1 to Ordinance 12395 is  
44 adopted as a subarea plan of the King County Comprehensive Plan and, as such,  
45 constitutes official county policy for the geographic area of unincorporated King County  
46 defined in the plan and amends the 1994 King County Comprehensive Plan Land Use  
47 Map.

48 E. The amendments to the 1994 King County Comprehensive Plan contained in  
49 Appendix A to Ordinance 12501 are hereby adopted to comply with the Order of the  
50 Central Puget Sound Growth Management Hearings Board in Copac-Preston Mill, Inc., et  
51 al, v. King County, Case No. 96-3-0013 as amendments to the King County  
52 Comprehensive Plan.

53 F. The amendments to the 1994 King County Comprehensive Plan contained in  
54 Appendix A to Ordinance 12531 (King County Comprehensive Plan 1996 amendments)  
55 are hereby adopted as amendments to the King County Comprehensive Plan.

56 G. The Black Diamond Urban Growth Area contained in Appendix A to  
57 Ordinance 12533 is hereby adopted as an amendment to the King County Comprehensive  
58 Plan.

59 H. The 1994 King County Comprehensive Plan and Comprehensive Plan Land  
60 Use Map are amended to include the area shown in Appendix A of Ordinance 12535 as  
61 Rural City Urban Growth Area. The language from Section 1D of Ordinance 12535 shall  
62 be placed on Comprehensive Plan Land Use Map page #32 with a reference marker on  
63 the area affected by Ordinance 12535.

I. The amendments to the 1994 King County Comprehensive Plan contained in Appendix A to Ordinance 12536 (1997 Transportation Need Report) are hereby adopted as amendments to the King County Comprehensive Plan.

J. The amendments to the 1994 King County Comprehensive Plan contained in Appendix A to Ordinance 12927 (King County Comprehensive Plan 1997 amendments) are hereby adopted as amendments to the King County Comprehensive Plan.

K. The amendments to the 1994 King County Comprehensive Plan contained in the 1998 Transportation Needs Report, contained in Appendices A and B to Ordinance 12931 and in the supporting text, are hereby adopted as amendments to the King County Comprehensive Plan.

L. The amendments to the 1994 King County Comprehensive Plan contained in Appendix A to Ordinance 13273 (King County Comprehensive Plan 1998 amendments) are hereby adopted as amendments to the King County Comprehensive Plan.

M. The 1999 Transportation Needs Report contained in Attachment A to Ordinance 13339 is hereby adopted as an amendment to the 1994 King County Comprehensive Plan, Technical Appendix C, and the amendments to the 1994 King County Comprehensive Plan contained in Attachment B to Ordinance 13339 are hereby adopted as amendments to the King County Comprehensive Plan.

N. The amendments to the 1994 King County Comprehensive Plan contained in Attachment A to Ordinance 13672 (King County Comprehensive Plan 1999 amendments) are hereby adopted as amendments to the King County Comprehensive Plan.

O. The 2000 Transportation Needs Report contained in Attachment A to this Ordinance 13674 is hereby adopted as an amendment to the 1994 King County Comprehensive Plan, Technical Appendix C.

P. The Fall City Subarea Plan contained in Attachment A to Ordinance 13875 is adopted as a subarea plan of the King County Comprehensive Plan and, as such, constitutes official county policy for the geographic area of unincorporated King County defined in the plan. The Fall City Subarea Plan amends the 1994 King County Comprehensive Plan land use map by revising the Rural Town boundaries of Fall City.

Q. The amendments to the King County Comprehensive Plan contained in Attachment A to Ordinance 13875 are hereby adopted as amendments to the King County Comprehensive Plan.

R. The Fall City area zoning amendments contained in Attachment A to Ordinance 13875 are adopted as the zoning control for those portions of unincorporated King County defined in the attachment. Existing property-specific development standards (p-suffix conditions) on parcels affected by Attachment A to Ordinance 13875 do not change except as specifically provided in Attachment A to Ordinance 13875.

S. The amendments to the 1994 King County Comprehensive Plan Land Use Map contained in Attachment A to Ordinance 13987 are hereby adopted to comply with the Central Puget Sound Growth Management Hearings Board Decision and Order on Supreme Court Remand in *Vashon-Maury Island, et. al. v. King County*, Case No. 95-3-0008 (Bear Creek Portion).

107 T. The 2001 transportation needs report contained in Attachment A to Ordinance  
108 14010 is hereby adopted as an amendment to the 1994 King County Comprehensive Plan,  
109 technical appendix C.

110 U. The amendments to the 1994 King County Comprehensive Plan contained in  
111 Attachments A, B and C to Ordinance 14044 (King County Comprehensive Plan 2000)  
112 are hereby adopted as amendments to the King County Comprehensive Plan. Attachment  
113 A to Ordinance 14044 amends the policies, text and maps of the Comprehensive Plan.  
114 Amendments to the policies are shown with deleted language struck out and new  
115 language underlined. The text and maps in Attachment A to Ordinance 14044 replace the  
116 previous text and maps in the Comprehensive Plan. Attachment B to Ordinance 14044  
117 contains technical appendix A (capital facilities), which replaces technical appendix A to  
118 the King County Comprehensive Plan, technical appendix C (transportation), which  
119 replaces technical appendix C to the King County Comprehensive Plan, and technical  
120 appendix M (public participation), which is a new technical appendix that describes the  
121 public participation process for the King County Comprehensive Plan 2000. Attachment  
122 C to Ordinance 14044 includes amendments to the King County Comprehensive Plan  
123 Land Use Map. The land use amendments contained in Attachment C to Ordinance  
124 14044 are adopted as the official land use designations for those portions of  
125 unincorporated King County defined in Attachment C to Ordinance 14044.

126 V. The Snoqualmie Urban Growth Area Subarea Plan contained in Attachment A  
127 to Ordinance 14117 is adopted as a subarea plan of the King County Comprehensive Plan  
128 and, as such, constitutes official county policy for the geographic area of unincorporated  
129 King County defined in the plan. Attachment B to Ordinance 14117 amends the King

County Comprehensive Plan 2000 land use map by revising the Urban Growth Area for the City of Snoqualmie. Attachment C to Ordinance 14117 amends the policies of the Comprehensive Plan.

W. The Snoqualmie Urban Growth Area Subarea Plan area zoning amendments in Attachment D to Ordinance 14117 are adopted as the zoning control for those portions of unincorporated King County defined in the attachment. Existing property-specific development standards (p-suffix conditions) on parcels affected by Attachment D to Ordinance 14117 do not change

X. The amendments to the King County Comprehensive Plan 2000 contained in Attachment B to Ordinance 14156 are hereby adopted as amendments to the King County Comprehensive Plan.

Y. The amendments to the King County Comprehensive Plan 2000 contained in Attachment A to Ordinance 14185 are hereby adopted as amendments to the King County Comprehensive Plan in order to comply with the order of the Central Puget Sound Growth Management Hearings Board in *Green Valley et al, v. King County*, CPSGMHB Case No. 98-3-0008c, Final Decision and Order (1998) and the order of the Washington Supreme Court in *King County v. Central Puget Sound Growth Management Hearings Board*, 142 Wn.2d 543, 14 P.3d 133 (2000).

Z. The amendments to the King County Comprehensive Plan 2000 contained in Attachment A to Ordinance 14241 (King County Comprehensive Plan 2001 Amendments) are hereby adopted as amendments to the King County Comprehensive Plan.

152           AA. The amendment to the King County Comprehensive Plan 2000 contained in  
153   Attachment A to Ordinance 14286 is hereby adopted as an amendment to the King  
154   County Comprehensive Plan in order to comply with the Central Puget Sound Growth  
155   Management Hearings Board's Final Decision and Order in *Forster Woods Homeowners'*  
156   *Association and Friends and Neighbors of Forster Woods, et al. v. King County*, Case  
157   No. 01-3-0008c (Forster Woods), dated November 6, 2001.

158           BB. The amendments to the King County Comprehensive Plan 2000 contained in  
159   Attachment A to Ordinance 14448 (King County Comprehensive Plan 2002  
160   Amendments) are hereby adopted as amendments to the King County Comprehensive  
161   Plan.

162           CC. The amendments to the King County Comprehensive Plan 2000 contained in  
163   Attachment A to Ordinance 14775 (King County Comprehensive Plan 2003  
164   Amendments) are hereby adopted as amendments to the King County Comprehensive  
165   Plan.

166           DD. The amendments to the King County Comprehensive Plan 2000 contained in  
167   Attachments A, B, C, D and E to Ordinance 15028 (King County Comprehensive Plan  
168   2004) are hereby adopted as amendments to the King County Comprehensive Plan.  
169   Attachment A, Part I, to Ordinance 15028 amends the policies, text and maps of the  
170   Comprehensive Plan. Attachment A, Part II, to Ordinance 15028 includes amendments  
171   to the King County Comprehensive Plan Land Use Map. The land use amendments  
172   contained in Attachment A, Part II, to Ordinance 15028 are adopted as the official land  
173   use designations for those portions of unincorporated King County defined in Attachment  
174   A, Part II, to Ordinance 15028. Attachment B to Ordinance 15028 contains Technical



Appendix A (Capital Facilities), which replaces technical appendix A to the King County Comprehensive Plan. Attachment C to Ordinance 15028 contains Technical Appendix B (Housing), which replaces Technical Appendix B to the King County Comprehensive Plan. Attachment D to Ordinance 15028 contains Technical Appendix C (Transportation), which replaces Technical Appendix C to the King County Comprehensive Plan 2000. Attachment E to Ordinance 15028 contains Technical Appendix D (Growth Targets and the Urban Growth Area 2004).

EE. The 2004 transportation needs report contained in Attachment A to Ordinance 15077 is hereby adopted as an amendment to the 2004 King County Comprehensive Plan, technical appendix C.

FF. The amendments to the King County Comprehensive Plan 2004 contained in Attachment A to Ordinance 15244 (King County Comprehensive Plan 2005 Amendments) are hereby adopted as amendments to the King County Comprehensive Plan.

GG. Attachment A to Ordinance 15326, which is the King County Comprehensive Plan Sammamish Agricultural Production District Subarea Plan dated November 7, 2005, is hereby adopted as an amendment to the 2004 King County Comprehensive Plan, as amended, in order to comply with the Central Puget Sound Growth Management Hearings Board's Final Decision and Order in *Maxine Keesling v. King County*, Case No. 04-3-0024 (Keesling III), dated May 31, 2005.

HH. The amendments to the King County Comprehensive Plan 2004 contained in Attachments A, B, C and D to Ordinance 15607 are hereby adopted as amendments to the King County Comprehensive Plan. Attachment A to Ordinance 15607 (Amendment to

the King County Comprehensive Plan 2004) amends the policies and maps of the King County Comprehensive Plan. Attachment B to Ordinance 15607 contains technical appendix O (Regional Trail Needs Report). Attachment C to Ordinance 15607 amends King County Comprehensive Plan, Technical Appendix C (Transportation), by replacing the transportation needs report. Attachment D to Ordinance 15607 amends King County Comprehensive Plan, Technical Appendix C (Transportation), by replacing the arterial functional classification map.

II. Attachment A to Ordinance 15772, which is the King County Comprehensive Plan Juanita Firs Subarea Plan, dated February 20, 2007, is hereby adopted as an amendment to the King County Comprehensive Plan as amended.

JJ. The amendments to the King County Comprehensive Plan 2004 contained in Attachments A, B, C, D, E and F to this ordinance ((~~King County Comprehensive Plan 2004~~)) are hereby adopted as amendments to the King County Comprehensive Plan. Attachment A to this ordinance amends the policies, text and maps of the Comprehensive Plan and amends King County Comprehensive Plan Land Use Zoning. The land use amendments contained in Attachment A to this ordinance are adopted as the official land use designations for those portions of unincorporated King County defined in Attachment A to this ordinance. Attachment B to this ordinance contains Technical Appendix A (Capital Facilities), which replaces ((~~Technical~~)) Appendix A to the King County Comprehensive Plan 2004. Attachment C to this ordinance contains Technical Appendix B (Housing), which replaces Technical Appendix B to the King County Comprehensive Plan 2004. Attachment D to this ordinance contains Technical Appendix C (Transportation), which replaces Technical Appendix C to the King County

Comprehensive Plan 2004. Attachment E to this ordinance contains the transportation needs report, which replaces the transportation needs report in Technical Appendix C to the King County Comprehensive Plan 2004 ((;)). Attachment F to this ordinance contains Technical Appendix D (Growth Targets and the Urban Growth Area 2008).

SECTION 3. Ordinance 13147, Section 30, as amended, and K.C.C. 20.18.140, are each hereby amended to read as follows:

A. In accordance with RCW 36.70A.470, a docket containing written comments on suggested plan or development regulation amendments shall be coordinated by the department. The docket is the means either to suggest a change or to identify a deficiency, or both, in the comprehensive plan or development regulation. For the purposes of this section, "deficiency" refers to the absence of required or potentially desirable contents of the comprehensive plan or development regulation and does not refer to whether a development regulation addressed a project's probable specific adverse environmental impacts that could be mitigated in the project review process. Any interested party, including applicants, citizens and government agencies, may submit items to the docket.

B. All agencies of county government having responsibility for elements of the comprehensive plan or implementing development regulations shall provide a means by which citizens may docket written comments on the plan or on development regulations. The department shall use public participation methods identified in K.C.C. 20.18.160 to solicit public use of the docket. The department shall provide a mechanism for docketing amendments through the Internet.

243           1. All docketed comments relating to the comprehensive plan shall be reviewed  
244 by the department and considered for an amendment to the comprehensive plan.

245           2. The deadline for submitting docketed comments is (~~September~~) June 30 for  
246 consideration in the amendment cycle process for the following year.

247           3. By the first business day of December, the department shall issue an  
248 executive response to all docketed comments. Responses shall include a classification of  
249 the recommended changes as appropriate for either the annual or four-year cycle, and an  
250 executive recommendation indicating whether or not the docketed (~~item(s)~~) items are to  
251 be included in the next year's executive recommended comprehensive plan update. If the  
252 docketed changes will not be included in the next executive transmittal, the department  
253 shall indicate the (~~reason(s)~~) reasons why, and shall inform the proponent that they may  
254 petition the council during the legislative review process.

255           4. By the first business day of December, the department shall forward to the  
256 council a report including all docketed amendments and comments with an executive  
257 response. The report shall include a statement indicating that the department has  
258 complied with the notification requirements contained in this section.

259           5. Upon receipt of the docket report, the council shall include all proponents of  
260 docketed requests in the mailing list for agendas to all committee meetings in which the  
261 Comprehensive Plan will be reviewed during the next available update. At the beginning  
262 of the committee review process, the council shall develop a committee review schedule  
263 with dates for committee meetings and any other opportunities for public testimony and  
264 for proponents to petition the council to consider docket changes that were not

recommended by the executive and shall attach the review schedule to the agenda whenever the Comprehensive Plan is to be reviewed.

6 Docketed comments relating to development regulations shall be reviewed by the appropriate county agency. Those requiring a comprehensive plan amendment shall be forwarded to the department and considered for an amendment to the comprehensive plan. Those not requiring a comprehensive plan amendment shall be considered by the responsible county agency for amendments to the development regulations.

7. The docket report shall be made available through the internet. The department shall endeavor to make the docket report available within one week of transmittal to the council.

C. In addition to the docket, the department shall provide opportunities for general public comments both before the docketing deadline each year, and during the executive's review periods before transmittal to the council. The opportunities may include, but are not limited to, the use of the following: comment cards, electronic or posted mail, Internet, public meetings with opportunities for discussion and feedback, printed summaries of comments received and twenty-four-hour telephone hotlines. The executive shall assure that the opportunities for public comment are provided as early as possible for each stage of the process, to assure timely opportunity for public input.

SECTION 4. Ordinance 14047, Section 9, and K.C.C. 20.18.170, are each hereby amended to read as follows:

A. Proposals for open space dedication and redesignation to the urban growth area must be received before December 31, ((2006)) 2011.

287 B. The total area added to the urban growth area as a result of this program shall  
288 not exceed four thousand acres. The department shall keep a cumulative total for all  
289 parcels added under this section. The total shall be updated annually through the plan  
290 amendment process.

291 C. Proposals shall be processed as land use amendments to the Comprehensive  
292 Plan and may be considered in either the annual or four-year cycle. Site suitability and  
293 development conditions for both the urban and rural portions of the proposal shall be  
294 established through the preliminary formal plat approval process.

295 D. A term conservation easement shall be placed on the open space at the time  
296 the four to one proposal is approved by the council. Upon final plat approval, the open  
297 space shall be permanently dedicated in fee simple to King County.

298 E. Proposals adjacent to incorporated area or potential annexation areas shall be  
299 referred to the affected city and special purpose districts for recommendations.

300 SECTION 5. Ordinance 14047, Section 10, as amended, and K.C.C. 20.18.180,  
301 are each hereby amended to read as follows:

302 Rural area land may be added to the urban growth area in accordance with the  
303 following criteria:

304 A. A proposal to add land to the urban growth area under this program shall meet  
305 the following criteria:

306 1. A permanent dedication to the King County open space system of four acres  
307 of open space is required for every one acre of land added to the urban growth area;

308 2. The land shall not be zoned agriculture (A);

309 3. The land added to the urban growth area shall;

a. be physically contiguous to urban growth area as adopted in 1994, unless the director determines that the land directly adjacent to the urban growth area contains critical areas that would be substantially harmed by development directly adjacent to the urban growth area and that all other criteria can be met; and

b. not be in an area where a contiguous band of public open space, parks or watersheds already exists along the urban growth area boundary;

4. The land added to the urban growth area shall be able to be served by sewers and other urban services;

5. A road serving the land added to the urban area shall not be counted as part of the required open space;

6. All urban facilities shall be provided directly from the urban area and shall not cross the open space or rural area and be located in the urban area except as permitted in subsection E of this section;

7. Open space areas shall retain a rural designation;

8. The minimum depth of the open space buffer shall be one half of the property width, unless the director determines that a smaller buffer of no less than two hundred feet is warranted due to the topography and critical areas on the site, shall generally parallel the urban growth area boundary and shall be configured in such a way as to connect with open space on adjacent properties;

9. The minimum size of the property to be considered is twenty acres. Smaller parcels may be combined to meet the twenty-acre minimum; ~~((and))~~

10. Urban development under this section shall be limited to residential development and shall be at a minimum density of four dwelling units per acre; and

333 B. A proposal that adds two hundred acres or more to the urban growth  
334 area shall also meet the following criteria:

335 1. The proposal shall include a mix of housing types including thirty percent  
336 below-market-rate units affordable to low, moderate and median income households;

337 2. In a proposal in which the thirty-percent requirement in subsection B.1 of this  
338 section is exceeded, the required open space dedication shall be reduced to three and one-  
339 half acres of open space for every one acre added to the urban growth area;

340 C. A proposal that adds less than two hundred acres to the urban growth area and  
341 that meets the affordable housing criteria in subsection B.1. of this section shall be  
342 subject to a reduced open space dedication requirement of three and one-half acres of  
343 open space for every one acre added to the urban growth area;

344 D. Requests for redesignation shall be evaluated to determine those that are the  
345 highest quality, including, but not limited to, consideration of the following:

346 1. Preservation of fish and wildlife habitat, including wildlife habitat networks,  
347 and habitat for endangered and threatened species;

348 2. Provision of regional open space connections;

349 3. Protection of wetlands, stream corridors, ground water and water bodies;

350 4. Preservation of unique natural, biological, cultural, historical or archeological  
351 resources;

352 5. The size of open space dedication and connection to other open space  
353 dedications along the urban growth area boundary; and

354 6. The ability to provide extensions of urban services to the redesignated urban  
355 areas; and



E. The open space acquired through this program shall be preserved primarily as natural areas, passive recreation sites or resource lands for farming and forestry. The following additional uses may be allowed only if located on a small portion of the open space and provided that these uses are found to be compatible with the site's natural open space values and functions:

1. Trails;
2. Natural appearing stormwater facilities;
3. Compensatory mitigation of wetland losses on the urban designated portion of the project, consistent with the King County Comprehensive Plan and K.C.C. chapter 21A.24; and
4. Active recreation uses not to exceed five percent of the total open space area.

The support services and facilities for the active recreation uses may locate within the active recreation area only, and shall not exceed five percent of the total acreage of the active recreation area. The entire open space area, including any active recreation site, is a regional resource. It shall not be used to satisfy the on-site active recreation space requirements in K.C.C. 21A.14.180 for the urban portion of the four to one property.

SECTION 6. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020, are each hereby amended to read as follows:

A. Land use permit decisions are classified into four types, based on who makes the decision, whether public notice is required, whether a public hearing is required before a decision is made and whether administrative appeals are provided. The types of land use decisions are listed in subsection E. of this section.

378           1. Type 1 decisions are made by the director, or his or her designee, ("director")  
379 of the department of development and environmental services ("department"). Type 1  
380 decisions are nonappealable administrative decisions.

381           2. Type 2 decisions are made by the director. Type 2 decisions are discretionary  
382 decisions that are subject to administrative appeal.

383           3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner  
384 following an open record hearing. Type 3 decisions may be appealed to the county  
385 council, based on the record established by the hearing examiner.

386           4. Type 4 decisions are quasi-judicial decisions made by the council based on  
387 the record established by the hearing examiner.

388           B. Except as provided in K.C.C. 20.44.120A.7. and 25.32.080 or unless  
389 otherwise agreed to by the applicant, all Type 2, 3 and 4 decisions included in  
390 consolidated permit applications that would require more than one type of land use  
391 decision process may be processed and decided together, including any administrative  
392 appeals, using the highest-numbered land use decision type applicable to the project  
393 application.

394           C. Certain development proposals are subject to additional procedural  
395 requirements beyond the standard procedures established in this chapter.

396           D. Land use permits that are categorically exempt from review under SEPA do  
397 not require a threshold determination (determination of nonsignificance ["DNS"] or  
398 determination of significance ["DS"]). For all other projects, the SEPA review  
399 procedures in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

400           E. Land use decision types are classified as follow:

TYPE 1	(Decision by director, no administrative appeal)	Temporary use permit for a homeless encampment under K.C.C. 21A.45.010, 21A.45.020, 21A.45.030, 21A.45.040, 24A.45.050, 21A.45.060, 21A.45.070, 21A.45.080 and 21A.45.090; building permit, site development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the department has issued a determination of nonsignificance or mitigated determination of nonsignificance; boundary line adjustment; right of way; variance from K.C.C. chapter 9.04; shoreline exemption; <u>decisions to require studies or to approve, condition or deny a development proposal based on K.C.C. chapter 21A.24, except for decisions to approve, condition or deny alteration exceptions</u> ; approval of a conversion-option harvest plan; a binding site plan for a condominium that is based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites, a site development permit for the entire site.
TYPE 2 <sup>1,2</sup>	(Decision by director appealable to hearing examiner, no further administrative appeal)	Short plat; short plat revision; short plat alteration; zoning variance; conditional use permit; temporary use permit under K.C.C. chapter 21A.32; temporary use permit for a homeless encampment under K.C.C.

		<p>21A.45.100; shoreline substantial development permit<sup>((2))</sup>  <sup>3</sup>; building permit, site development permit or clearing and grading permit for which the department has issued a determination of significance; reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070.B; preliminary determinations under K.C.C. 20.20.030.B; <del>((alteration exceptions and))</del> decisions to <del>((require studies or to))</del> approve, condition or deny <del>((a development proposal based on))</del> <u>alteration exceptions under K.C.C. chapter 21A.24</u>; extractive operations under K.C.C. 21A.22.050; binding site plan; waivers from the moratorium provisions of K.C.C. 16.82.140 based upon a finding of special circumstances.</p>
TYPE 3 <sup>1</sup>	(Recommendation by director, hearing and decision by hearing examiner, appealable to county council on the record)	Preliminary plat; plat alterations; preliminary plat revisions.
TYPE 4 <sup>1, ((3)) 4</sup>	(Recommendation by director, hearing and recommendation by hearing examiner)	Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions; plat vacations; short plat vacations; deletion of special district

	decision by county council on the record)	overlay.
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<sup>1</sup> See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA

appeals and appeals of Type 3 and 4 decisions to the council.

<sup>2</sup> When an application for a ~~((shoreline permit))~~ Type 2 decision is combined with other permits requiring Type 3 or 4 land use decisions under this chapter or under K.C.C.

25.32.080, the examiner, not the director, makes the decision.

<sup>3</sup> A shoreline permit, including a shoreline variance or conditional use, is appealable to the state Shorelines Hearings Board and not to the hearing examiner.

~~((3))~~<sup>4</sup> Approvals that are consistent with the Comprehensive Plan may be considered by the council at any time. Zone reclassifications that are not consistent with the ~~((e))~~Comprehensive ~~((p))~~Plan require a site-specific land use map amendment and the council's hearing and consideration shall be scheduled with the amendment to the ~~((e))~~Comprehensive ~~((p))~~Plan under K.C.C. 20.18.040 and 20.18.060.

F. The definitions in K.C.C. 21A.45.020 apply to this section.

SECTION 7. Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100, are each hereby amended to read as follows:

A. The department shall issue its recommendation to the hearing examiner on a Type 3 or Type 4 land use decision within one hundred fifty days from the date the applicant is notified by the department pursuant to this chapter that the application is complete. The time periods for action by the hearing examiner on a Type 3 or Type 4 land use decision shall be governed by the hearing examiner's rules.

421 B.1. Except as otherwise provided in subsection B.2 of this section, the  
422 department shall issue its final decision on a Type 1 or Type 2 land use decision within  
423 one hundred twenty days from the date the applicant is notified by the department  
424 pursuant to this chapter that the application is complete.

425 2. The following shorter time periods apply to the type of land use permit  
426 indicated:

New residential building permits	90 days
Residential remodels	40 days
Residential appurtenances, such as decks and garages	15 days, or 40 days residential appurtenances that require substantial review.

Clearing and grading	90 days
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Health Department review	40 days
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(for projects pending a final department  
review or permit or review and permit).

Type 1 temporary use permit for a homeless encampment:	30 days
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Type 2 temporary use permit for a homeless encampment:	40 days
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427 C. The following periods shall be excluded from the times specified in  
428 subsections A and B of this section:

429 1. Any period of time during which the applicant has been requested by the  
430 department, hearing examiner or council to correct plans, perform required studies or

provide additional information, including road variances and variances required under K.C.C. chapter 9.04. The period shall be calculated from the date of notice to the applicant of the need for additional information until the earlier of the date the county advises the applicant that the additional information satisfies the county's request, or fourteen days after the date the information has been provided. If the county determines that the correction, study or other information submitted by the applicant is insufficient, it shall notify the applicant of the deficiencies and the procedures of this section shall apply as if a new request for information had been made.

a. The department shall set a reasonable deadline for the submittal of corrections, studies or other information when requested, and shall provide written notification to the applicant. An extension of such deadline may be granted upon submittal by an applicant of a written request providing satisfactory justification of an extension.

b. Failure by the applicant to meet such deadline shall be cause for the department to cancel/deny the application.

c. When granting a request for a deadline extension, the department shall give consideration to the number of days between receipt by the department of a written request for a deadline extension and the mailing to the applicant of the department's decision regarding that request;

2. The period of time, as set forth in K.C.C. 20.44.050, during which an environmental impact statement is being prepared following a determination of significance pursuant to chapter 43.21C RCW;

453           3. A period of no more than ninety days for an open record appeal hearing by  
454 the hearing examiner on a Type 2 land use decision, and no more than sixty days for a  
455 closed record appeal by the county council on a Type 3 land use decision appealable to  
456 the county council, except when the parties to an appeal agree to extend these time  
457 periods;

458           4. Any period of time during which an applicant fails to post the property, if  
459 required by this chapter, following the date notice is required until an affidavit of posting  
460 is provided to the department by the applicant; ~~((and))~~

461           5. Any time extension mutually agreed upon by the applicant and the  
462 department; and

463           6. Any time during which there is an outstanding fee balance that is sixty days  
464 or more past due.

465           D. The time limits established in this section shall not apply if a proposed  
466 development:

467           1. Requires an amendment to the comprehensive plan or a development  
468 regulation, or modification or waiver of a development regulation as part of a  
469 demonstration project;

470           2. Requires approval of a new fully contained community as provided in RCW  
471 36.70A.350 master planned resort as provided in RCW 36.70A.360 or the siting of an  
472 essential public facility as provided for RCW 36.70A.200; or

473           3. Is substantially revised by the applicant, when such revisions will result in a  
474 substantial change in a project's review requirements, as determined by the department, in



which case the time period shall start from the date at which the revised project application is determined to be complete.

E. The time limits established in this section may be exceeded on more complex projects. If the department is unable to issue its final decision on a Type 1 or Type 2 land use decision or its recommendation to the hearing examiner on a Type 3 or Type 4 land use decision within the time limits established by this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision on a Type 1 or Type 2 land use decision or notice of recommendation on a Type 3 or Type 4 land use decision.

F. The department shall require that all plats, short plats, building permits, clearing and grading permits, conditional use permits, special use permits, site development permits, shoreline substantial development permits, binding site plans, urban planned development permits or fully contained community permits issued for development activities on or within five hundred feet of designated agricultural lands, forest lands or mineral resource lands shall contain a notice that the subject property is within or near designated agricultural lands, forest lands or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.

SECTION 8. Ordinance 4461, Section 10, as amended, and K.C.C. 20.24.190, are each hereby amended to read as follows:

When the examiner issues a recommendation regarding an application for a reclassification of property or for a shoreline environment redesignation, the

recommendation shall include additional findings that support the conclusion that at least one of the following circumstances applies:

A. The property is potentially zoned for the reclassification being requested and conditions have been met that indicate the reclassification is appropriate;

B. An adopted subarea plan or area zoning specifies that the property shall be subsequently considered through an individual reclassification application;

C. Where a subarea plan has been adopted but subsequent area zoning has not been adopted, that the proposed reclassification or shoreline redesignation is consistent with the adopted subarea plan; or

D. The applicant has demonstrated with substantial evidence that:

1. Since the last previous area zoning or shoreline environment designation of the subject property, authorized public improvements, permitted private development or other conditions or circumstances affecting the subject property have undergone substantial and material change not anticipated or contemplated in the subarea plan or area zoning;

2. The impacts from the changed conditions or circumstances affect the subject property in a manner and to a degree different than other properties in the vicinity such that area rezoning or redesignation is not appropriate. For the purposes of this subsection, "changed conditions or circumstances" does not include actions taken by the current or former property owners to facilitate a more intense development of the property including but not limited to changing tax limitations, adjusting property lines, extending services or changing property ownership;

3. For proposals to increase rural residential density, that the proposal meets the criteria in Comprehensive Plan policies (~~((R-205 through R-209))~~R-305 through R-309;

4. For proposals to increase urban residential density, that the proposal meets the criteria in Comprehensive Plan policies (~~((U-120 through U-125))~~U-122 through U-126; and

5. The requested reclassification or redesignation is in the public interest.

SECTION 9. Ordinance 6949, Section 6, as amended, and K.C.C. 20.44.040, are each hereby amended to read as follows:

A. King County adopts the standards and procedures specified in WAC 197-11-300 through 197-11-390 and 197-11-800 through 197-11-890 for determining categorical exemptions and making threshold determinations subject to the following:

1. The following exempt threshold levels are hereby established in accordance with WAC 197-11-800(1)(c) for the exemptions in WAC 197-11-800(1)(b):

a. The construction or location of any residential structures of twenty dwelling units within the boundaries of an urban growth area, or of any residential structures of eight dwelling units outside of the boundaries of an urban growth area;

b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering thirty thousand square feet on land zoned agricultural, or fifteen thousand square feet in all other zones, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots;

c. The construction of an office, school, commercial, recreational, service or storage building with twelve thousand square feet of gross floor area, and with associated parking facilities designed for forty automobiles;

d. The construction of a parking lot designed for forty automobiles;

e. Any fill or excavation of five hundred cubic yards throughout the total lifetime of the fill or excavation and any fill or excavation classified as a class I, II, or III forest practice under RCW 76.09.050 or regulation thereunder: The categorical exemption threshold shall be one hundred cubic yards for any fill or excavation that is in an ~~((sensitive))~~ aquatic area, wetland, steep slope or landslide hazard area. If the proposed action is to remove from or replace fill in an ~~((sensitive))~~ aquatic area, wetland, steep slope or landslide hazard area to correct a violation, the threshold shall be five hundred cubic yards.

2. The determination of whether a proposal is categorically exempt shall be made by the county department that serves as lead agency for that proposal.

B. The mitigated DNS provision of WAC 197-11-350 shall be enforced as follows:

1. If the department issues a mitigated DNS, conditions requiring compliance with the mitigation measures which were specified in the application and environmental checklist shall be deemed conditions of any decision or recommendation of approval of the action.

2. If at any time the proposed mitigation measures are withdrawn or substantially changed, the responsible official shall review the threshold determination and, if necessary, may withdraw the mitigated DNS and issue a DS.

564           SECTION 10. Ordinance 6949, Section 10, as amended, and K.C.C. 20.44.080,

565 are each hereby amended to read as follows:

566           A. The procedures and standards of WAC 197-11-650 through 197-11-660  
567 regarding substantive authority and mitigation, and WAC 197-11-158, regarding reliance  
568 on existing plans, laws and regulations, are adopted.

569           B. For the purposes of RCW 43.21C.060 and WAC 197-11-660, the following  
570 policies, plans, rules and regulations, and all amendments thereto, are designated as  
571 potential bases for the exercise of King County's substantive authority under SEPA,  
572 subject to RCW 43.21C.240 and subsection C of this section:

573                 1. The policies of the state Environmental Policy Act, RCW 43.21C.020.

574                 2. As specified in K.C.C. chapter 20.12, the King County Comprehensive Plan,  
575 its addenda and revisions and community and subarea plans and housing report, and as  
576 specified in K.C.C. chapter 20.14, surface water management program basin plans.

577                 3. The King County Zoning Code, as adopted in K.C.C. Title 21A.

578                 4. The King County Agricultural Lands Policy, as adopted in K.C.C. chapter  
579 20.54 and K.C.C. Title 26.

580                 5. The King County Landmarks Preservation Code, as adopted in K.C.C.  
581 chapter 20.62.

582                 6. The King County Shoreline Management Master Plan, as adopted in K.C.C.  
583 Title 25.

584                 7. The King County Surface Water Runoff Policy, as adopted in K.C.C. chapter  
585 9.04, including the Covington Master Drainage Plan, as adopted in K.C.C. chapter 20.14.

586           8. The King County Road Standards, ((1993 Update,)) as adopted in K.C.C.  
587 chapter 14.42.

588           9. The Comprehensive Plan for Transportation adopted by Resolution No. 6617  
589 of the council of the Municipality of Metropolitan Seattle and readopted and ratified by  
590 the county council in K.C.C. 28.01.030.

591           10. The Comprehensive Sewerage Disposal Plan adopted by Resolution No. 23  
592 of the council of the Municipality of Metropolitan Seattle and readopted and ratified by  
593 the county council in K.C.C. 28.01.030.

594           11. The rules and regulations for construction and use of local sewage facilities  
595 set forth in K.C.C. chapters 28.81 through 28.84.

596           12. The rules and regulations on the consistency of sewer projects with local  
597 land use plans and policies set forth in Ordinance 11034, as amended.

598           13. The rules and regulations for the disposal of industrial waste into the  
599 sewerage system set forth in Ordinance 11034, as amended.

600           14. The Duwamish Clean Water Plan adopted by the council of the Municipality  
601 of Metropolitan Seattle and readopted and ratified by the county council by Ordinance  
602 11032, Section 28, as amended.

603           15. The Washington Department of Ecology's Best Management Practices for  
604 the Use of Municipal Sludge.

605           C. Within the urban growth area, substantive SEPA authority to condition or  
606 deny new development proposals or other actions shall be used only in cases where  
607 specific adverse environmental impacts are not addressed by regulations as set forth  
608 below or unusual circumstances exist. In cases where the county has adopted the

609 following regulations to systematically avoid or mitigate adverse impacts, those standards  
610 and regulations will normally constitute adequate mitigation of the impacts of new  
611 development: K.C.C. chapter 9.04, Surface Water Runoff Policy, K.C.C. chapter 9.08,  
612 Surface Water Management Program, K.C.C. chapter 9.12, Water Quality, K.C.C.  
613 chapter 14.42, King County Road Standards, K.C.C. chapter 16.82, Clearing and  
614 Grading, K.C.C. chapter 21A.12, Development Standards - Density and Dimensions,  
615 K.C.C. chapter 21A.14, Development Standards - Design Requirements, K.C.C. chapter  
616 21A.16, Development Standards - Landscaping and Water Use, K.C.C. chapter 21A.18,  
617 Development Standards - Parking and Circulation, K.C.C. chapter 21A.20, Development  
618 Standards - Signs, K.C.C. chapter 21A.22, Development Standards - Mineral Extraction,  
619 K.C.C. chapter 21A.24, ~~((Environmentally Sensitive))~~ Critical Areas, K.C.C. chapter  
620 21A.26, Development Standards - Communication Facilities, K.C.C. chapter 21A.28,  
621 Development Standards - Adequacy of Public Facilities and Services~~((, those standards~~  
622 ~~and regulations will normally constitute adequate mitigation of the impacts of new~~  
623 ~~development))~~. Unusual circumstances related to a site or to a proposal, as well as  
624 environmental impacts not mitigated by the regulations listed in this subsection, will be  
625 subject to site-specific or project-specific SEPA mitigation.

626       This subsection shall not apply if the county's development regulations cited in  
627 this subsection are amended after April 22, 1996, unless the amending ordinance contains  
628 a finding, supported by documentation, that the requirements for environmental analysis,  
629 protections and mitigation measures in this chapter, provide adequate analysis of and  
630 mitigation for the specific adverse environmental impacts to which the requirements  
631 apply.

D. Outside the urban growth area, in the course of project review, including any required environmental analysis, the responsible official may determine that requirements for environmental analysis, protection and mitigation measures in the county's development regulations or comprehensive plans adopted under chapter 36.70A RCW and in other applicable local, state or federal laws and rules provide adequate analysis and mitigation for specific adverse environmental impacts of the project, if the following criteria are met:

1. In the course of project review, the responsible official shall identify and consider the specific probable adverse environmental impacts of the proposed action and then make a determination whether these specific impacts are adequately addressed by the development regulations. If they are not, the responsible official shall apply mitigation consistent with the applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan or other local, state or federal rules or laws; and

2. The responsible official bases or conditions its approval on compliance with these requirements or mitigation measures.

E. Any decision to approve, deny or approve with conditions pursuant to RCW 43.21C.060 shall be contained in the responsible official's decision document. The written decision shall contain facts and conclusions based on the proposal's specific adverse environmental impacts, or lack thereof, as identified in an environmental checklist, EIS, threshold determination, other environmental document including an executive department's staff report and recommendation to a decision maker, or findings made pursuant to a public hearing authorized or required by law or ordinance. The



655 decision document shall state the specific plan, policy or regulation that supports the  
656 SEPA decision and, if mitigation beyond existing development regulations is required,  
657 the specific adverse environmental impacts and the reasons why additional mitigation is  
658 needed to comply with SEPA.

659 F. This chapter shall not be construed as a limitation on the authority of King  
660 County to approve, deny or condition a proposal for reasons based upon other statutes,  
661 ordinances or regulations.

662 SECTION 11. If any provision of this ordinance or its application to any person  
663 or circumstance is held invalid, the remainder of the ordinance or the application of the  
664 provision to other persons or circumstances is not affected.”

665 SECTION 12. Work program. The council hereby adopts the following work  
666 program items as part of the King County Comprehensive Plan 2008:

667 A. By November 1, 2008, the executive shall form a work group for the purpose  
668 of developing: (a) performance measures related to countywide planning policies and (b)  
669 a coordinated and comprehensive assessment and review process to ensure that health,  
670 equity, social and environmental justice impacts are considered in the development,  
671 implementation and funding of county projects and programs, and in the county’s  
672 funding decisions.

674 1. The work group shall develop and transmit to the council performance  
675 measures to: (a) assess agency performance, and (b) achieve the goals of the countywide  
676 planning policies and the comprehensive plan. Performance measures shall be developed  
677 based on best management practices and monitoring of performance measures are  
678 intended to provide information needed to improve future compliance.

679           2. The work group shall also develop a coordinated and comprehensive  
680 assessment and review process to ensure that health, equity, social and environmental  
681 justice impacts are considered in the development, implementation and funding of county  
682 projects and programs. The tools used to perform this assessment and review shall be  
683 developed using best management practices.

684           3. The work group shall include representatives from the various departments  
685 and divisions and council policy staff, as designated by the policy staff director.

686           4. The work group shall report to council on or before September 1, 2009.  
687 Fifteen copies of the report shall be filed with the clerk of the council, for distribution to  
688 all councilmembers and to the lead staff for the growth management and natural  
689 resources committee, or its successor.

690           B. The executive shall direct the department of natural resources and parks to  
691 take the necessary steps to ensure make King County water quality monitoring data upon  
692 which the county will rely to enforce policy E-111 shall be available via published maps  
693 and/or the county web page. This data shall be made available no later than December  
694 31, 2008.

695           C. The executive shall develop a work plan detailing how the county will fund  
696 the adaptive management approach envisioned by Chapter 4 (Environment), as well as  
697 the comprehensive and coordinated program and the publicly accessible, geo-spatial  
698 database envisioned by policies E-702 and E-703 respectively. The work plan shall be  
699 transmitted to the council no later than September 1, 2009 and must be filed in the form  
700 of fifteen copies with the clerk of the council, who shall retain the original and shall

forward copies to each councilmember and to the lead staff for the growth management and natural resources committee, or its successor.

D. King County shall convene and participate in a Food Policy Council, which shall include representatives of local cities and health agencies, as well as, area farmers and consumer groups. The Food Policy Council to identify and recommend ways to:

1. Reduce market and regulatory barriers faced by local food producers in accessing local urban consumers;

2. Increase the number of farmer's markets, particularly in areas with a substantial number of low income residents, in order to improve access to locally grown or value-added products; and

3. Facilitate the access of large institutional uses to locally grown or value-added foods.

E. As part of the 2009 update to the King County Comprehensive Plan, the executive shall transmit a revised regional Trail System Priority List which shall prioritize trail needs based on criteria that includes consideration of equity, and social and environmental justice.

F. As provided for in comprehensive plan policy U-208 and because annexation is not occurring at a pace consistent with the intent of the annexation policies of the comprehensive plan, the executive shall complete a subarea planning process for the city of Kirkland potential annexation area to explore new options for revenue generation that would make the provision of services to that urban unincorporated area financially sustainable. The subarea plan shall be transmitted to the council by September 1, 2008 and must be filed in the form of fifteen copies with the clerk of the council, who shall

retain the original and shall forward copies to each councilmember and to the lead staff for the growth management and natural resources committee, or its successor.

G. The executive shall commence a subarea planning process, for an area encompassing the Cedar Hills landfill and neighboring lands having long-standing industrial and resource material processing uses, to study and make recommendations on potential long-term land uses for that area after closure of the Cedar Hills landfill. One of the options to be evaluated is the potential creation and implementation of a Special District Overlay for a limited area of more intensive rural development, which is provided for in the state Growth Management Act. In order to allow for council review in conjunction with the 2012 King County Comprehensive Plan Update, the subarea plan shall be transmitted to the council no later than March 1, 2011 and must be filed in the form of fifteen copies with the clerk of the council, who shall retain the original and shall forward copies to each councilmember and to the lead staff for the growth management and natural resources committee, or its successor.

Delete Attachment A (name) and insert Attachment A name, dated XXX.

**EFFECT:** committee changes are:

Page 10, lines 209 through 219: technical changes;

Page 15, line 320 through 321: clarifies that urban services to serve Four to One Urban Area must not cross Rural Area; and

Page 16, lines 333 through 335: deleted item 11, the TDR requirement for Four to One.